

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated February 15, 2011. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-17 are pending in the Application. Claims 1, 7, 13 and 17 are independent claims.

In the Final Office Action, claims 1-17 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,813,681 to Kanota ("Kanota") in view of U.S. Patent Publication No. 2003/0090971 to Gushima ("Gushima"). This rejection is respectfully traversed. It is respectfully submitted that claims 1-17 are allowable for at least the following reasons.

In paragraph 382, cited in the Final Office Action, Gushima references Figure 42, which describes components of a reproduction apparatus 1810 that reproduces information recorded on the optical disc medium or as stated: "various synchronization signals recorded in a synchronization area of the optical disc medium 3101 and at least a portion of user data recorded in the data area DATA."

As the Applicants continue to argue, the claims are directed to configuring user storage space of an optical disc to share data in different formats. This is described at page 2, lines 13-20 of the specification. As argued in the past, Kanota says nothing on the topic of configuring user storage space of an optical disc to store data in different formats, as recited in claim 1. Similarly, while being directed to the optical disc medium, the newly introduced Gushima reference, does not describe "configuring user storage space of an optical disc to store data in different formats", as, for example, recited in claim 1.

Accordingly, since, as admitted at least at pages 3 and 9 of the Final Office Action, Kanota is not in the same field of art as the claims, and since Gushima does not address the subject matter of the claims, it is respectfully submitted that these references do not teach, disclose, or suggest the claim recitations.

Further, as was established in the response to the previous Office Action, Kanota does not teach, disclose, or suggest dividing the user storage space of an optical disc into sections in which data of certain format is written. It is respectfully submitted that Gushima does not teach, disclose, or suggest this as well. It is noted that the Final Office Action has failed to point out where in Kanota and/or Gushima such disclosure is suggested by column and line or paragraph number.

With regard to claim 16, the Applicants respectfully maintain that contrary to Kanota, which overwrites data in any format, claim 16 recites: "amending at least one of said one or more availability parameters such as to increase the size of said predefined storage section in the selected format thereby also decreasing the size of said predefined storage section in another format". Reallocation of free storage section as recited in the claims is not equivalent to overwriting of whole areas dedicated to different formats as taught by Kanota. Also, with regard to claim 3, nothing in Kanota teaches, discloses, or suggests "the variable parameter varying the location and extent of the first and second storage sections".

Finally, it is undisputed, as stipulated to by the Examiner at page 9 of the Office Action that Kanota does not teach an optical disc. Accordingly, the examiner has modified the rejection to a 103 rejection by referencing Gushima for teaching that which is admitted missing from Kanota. However, this reliance on Kanota is misplaced. That is because,

while it is undisputed, as argued in the statement at page 9 of the Office Action that in paragraph 393 Gushima suggests that "while embodiments are directed towards an optical disc, that they could also be applied to a magnetic disk" it is respectfully submitted that the opposite is not true. What can be done on the magnetic disk, e.g., as in Kanota, cannot also be applied to an optical disc. This has been consistently argued by the Applicants to show the inapplicability of Kanota to reject the claims.

It is respectfully submitted that claim 1 is not anticipated or made obvious by the teachings of Kanota. For example, Kanota does not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis provided) "configuring user storage space of an optical disc to store data in different formats, the method comprising acts of: dividing the user storage space located between a lead-in area and a lead-out area of the optical disk into a plurality of storage sections including one or more first storage sections where only user data in a first format is recordable and one or more second sections where only user data in a second format that is different from the first format is recordable, wherein the user storage space is available for a user to record user data; and defining one or more availability parameters which define a location and/or extent of at least one storage section in the user storage space of the optical disk" as recited in claim 1, and as similarly recited by each of claims 7, 13 and 17.

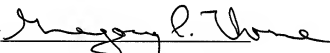
Based on the foregoing, the Applicants respectfully submit that the independent claims are patentable and notice to this effect is earnestly solicited. The dependent claims respectively depend from one of the independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of

the claims. Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
April 4, 2011

THORNE & HALAJIAN, LLP

111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101

Please direct all inquiries and correspondence to:

Michael E. Belk, Reg. 33,357
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
(914) 333-9643